



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Marilyn Librers, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Marilyn Librers, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, MARCH 24, 2010

AGENDA

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

CITY COUNCIL REPORTS

Council Member Carr

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-8 Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate

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Consent Calendar: 1 - 10 Minutes

1. **Adopt Ordinance No. 1968, New Series an Ordinance of the City of Morgan Hill Deleting Section 18.48.125 From Chapter 18 (Performance Standards) of Title 18 (Zoning) of the Municipal Code of the City of Morgan Hill Due to Inconsistencies with the Level of Service Standards Established by the Circulation Element of the General Plan and the City's Adopted Guidelines for Preparation of Transportation Impact Analyses**1-6
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1968, New Series, an ordinance of the City Council of the City of Morgan Hill, and **Declare** that said Title, which appears on the agenda, shall be determined to have been read by title and further reading waived.
2. **Award 35 East Third Street Building Demolition Project**7-8
Recommended Action(s):
 1. **Award** and authorize the City Manager to execute a contract with Ferma Corp. for the 35 E. 3rd Street Abatement & Demolition Project in the amount of \$26,365; and
 2. **Authorize** expenditure of construction change order contingency funds not to exceed \$4,000.
3. **Resolution Regarding the South Bay Information Sharing System (SBISS)**9-56
Recommended Action(s): **Approve** Resolution to:
 1. **Authorize** the City Manager and Police Chief to sign the South Bay Information Sharing System (SBISS) South Bay Region Node Agreement; and
 2. **Authorize** the Police Chief to sign the South Bay Information Sharing System (SBISS) COPLINK System Use Agreement.
4. **February 2010 Financial and Investment Reports**57-86
Recommended Action(s): **Accept** and file report.

5. **Award of Professional Service Contract for Engineering Design of the Sewer Lift Station M Modification Project**87-102
Recommended Action(s): **Authorize** the City Manager to execute a consultant agreement for design and preparation of plans, specifications and estimates for providing an upgraded sewer lift station at Lift Station M with Schaaf and Wheeler in the amount of \$71,594.
6. **Award of Professional Services Contract to Prepare Design Documents for the West Little Llagas Creek Trail, Phase IV Project**103-118
Recommended Action(s):
1. **Authorize** the City Manager to execute a consultant agreement for with Bellinger Foster Steinmetz in the amount of \$59,894 for the preparation of design documents for the construction of the West Little Llagas Creek Trail, Phase IV Project.
7. **Review Planning Commission Subcommittee Work Plan Regarding Changes to the Residential Development Control System (RDCS) Evaluation Criteria**119-124
Recommended Action(s) **Accept** and file the Planning Commission Subcommittee Work Plan.
8. **Accept Barrett Avenue Water and Sewer Mains Project**125-130
Recommended Action(s):
1. **Accept** as complete the Barrett Avenue Water and Sewer Mains Project in the final amount of \$1,349,727.
2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 9-12

Time Estimate

Consent Calendar: 1 - 10 Minutes

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9. **Community-Based Transportation Planning Grant Application**131-136
Recommended Action(s): **1) Adopt** a Resolution authorizing the Executive Director to submit an application to CalTrans for the Community-Based Transportation Planning Grant Program; and 2) approve a local funding commitment as required by the grant guidelines.

09 Supplemental 01 - Community-Based Transportation Planning Grant Application

10. **Sweat Equity Homeowner Loan Modification Request for 381 Calle Cabezal**137-142
Recommended Action(s):
1. **Adopt** Resolution approving a loan modification to reduce the applicable interest rate on a sweat-equity loan from 10% compounded interest to 7% simple interest and authorizing the Executive Director to do everything necessary and appropriate to approve the loan modification including the preparation and execution of any required loan documents for the home at 381 Calle Cabezal.
11. **Revisions to the Housing Rehabilitation Loan Guidelines**143-148

Recommended Action(s): Adopt Resolution approving requested revisions to the Housing Rehabilitation Program Guidelines including authorizing the Executive Director to approve future revisions administratively as long as loan limits are not exceeded.

12. **February 2010 Financial and Investment Reports** 149-158
Recommended Action(s): Accept and file report.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 13-15

Time Estimate

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Consent Calendar: 1 - 10 Minutes

13. **Centennial Recreation Center Fitness Equipment Purchase from Advantage Fitness Products and Out-Fit** 159-162
Recommended Action(s):
1. **Approve** the purchase of fitness equipment from Advantage Fitness Products in the amount of \$27,006.38; and
2. **Approve** the purchase of fitness equipment from Out-Fit for \$36,708.
14. **Resolution Requesting Extraterritorial Jurisdiction from the County of Santa Clara to Acquire Right of Way for the Butterfield Boulevard South Extension Project** 163-168
Recommended Action(s): Adopt Resolution requesting extraterritorial jurisdiction from the County of Santa Clara to acquire right of way within the County of Santa Clara for the Butterfield Boulevard South Extension Project.
15. **Approval of Special Joint City Council and Redevelopment Agency Meeting Minutes for March 10, 2010** 169-174

City Council Action

PUBLIC HEARINGS:

ITEMS 16-19

Time Estimate

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16. 5 Minutes **Development Agreement Amendment DAA-04-08E:Tilton-Glenrock** 175-208
Recommended Action(s)
1. **Open**/close public hearings; and
2. **Waive** the first and second reading of Ordinance; and
3. **Introduce** Ordinance.
- 16 Supplemental 01-Development Agreement Amendment DAA-04-08E:Tilton-Glenrock
17. 15 Minutes **Community Development Block Grant (CDBG) Annual Allocation (FY 2010-2011)** 209-214
Recommended Action(s)
1. **Conduct** public hearing.

2. **Adopt** Resolution for allocation of FY 2010-2011 CDBG Funds authorizing the City Manager to do everything necessary for the implementation of the CDBG Program including execution of all required contracts.

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| 18. | 5 Minutes | <u>Solid Waste Management Rate Adjustment</u>215-224
<u>Recommended Action(s)</u>
1. <u>Open</u> and close public hearing
2. <u>Approve</u> attached rate Resolution. | |
| 19. | 10 Minutes | <u>A Resolution of the City Council of the City of Morgan Hill Establishing the Business License Application and Zoning Review Program, Setting Regulatory Fees to Recover the Cost of the Program and Raising Copying Fees to Provide for Cost Recovery</u>225-234
<u>Recommended Action(s)</u>
1. <u>Open</u> and close public hearing
2. <u>Adopt</u> Resolution establishing program and adjusting fees. | |

Joint City Council Redevelopment Action

PUBLIC HEARINGS:

ITEMS 20

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| 20. | 15 Minutes | <u>Ordinance Abolishing Existing Chapter 18.43 “Seismic Combining District” and Existing Chapter 18.45 “Geologic Combining District” and Adopting a New Chapter 18.43 “Active Fault Surface Rupture Zone Seismic Combining District” and a New Chapter 18.45 “Geologic and Seismic Hazards Combining District” Along with Associated Zoning Code Amendments to Modify Text for Consistency</u>235-288
<u>Recommended Action(s)</u> That the City Council Hold Public Hearing
1. <u>Approve</u> a Resolution adopting the Negative Declaration;
2. <u>Waive</u> the first and second reading of the Ordinances; and
3. <u>Introduce</u> Ordinance abolishing the existing Chapter 18.43 “Seismic Combining District”; and the existing Chapter 18.45 “Geologic Combining District” and adopting a new Chapter 18.43 “Active Fault Surface Rupture Zone Seismic Combining District” and a new Chapter 18.45 “Geologic and Seismic Hazards Combining District”, with associated Zoning text amendments for consistency | |

City Council Action

OTHER BUSINESS:

ITEMS 21

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| 21. | 10 Minutes | <u>An Ordinance of the City of Morgan Hill Amending Chapter 5.04 (Business Taxes, Licenses and Regulations) and Section 1.24.010 (Violations Deemed a Misdemeanor-Penalty) of the Municipal Code of the City of Morgan Hill to Clarify Business License Tax, Fee and Other Requirements, Specify that</u> | |

Violations are Misdemeanors, Modify Appeal Process and Modernize Language289-309

Recommended Action(s):

1. **Waive** the first and second reading of Ordinance; and
2. **Introduce** Ordinance.

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution No. 6304
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

2. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

Pursuant to:	Government Code Section 54956.9(b)
Number of Cases:	One (1)

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to	Government Code Section 54956.9(c)
Number of Cases:	One (1)

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly-address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Council Services Records Coordinator prior to discussion of the item. In accordance with Government Code 54953.3, it is not required to complete a speaker card in order to speak to the Council/Agency. When your name is called, proceed to the podium and clearly state your name and comment on the agenda item. If you wish to address the City Council on any other item of interest to the public, follow the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Council Services Records Coordinator, who will distribute correspondence to the City Council/Redevelopment Agency.

Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's department at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email tina.mcvay@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.